THE BOMBAY ADJUDICATION PROCEEDINGS (TRANSFER AND CONTINUANCE) ACT, 1947.

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BOMBAY ACT No. XXXIV OF 1947.[1]

[THE BOMBAY ADJUDICATION PROCEEDINGS (TRANSFER AND CONTINUANCE) ACT, 1947.]

[*22nd November 1947.*]

An Act to provide for the transfer and continuance of adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator.

WHEREAS it is expedient to enable the Provincial Government to transfer to, and continue before, a Tribunal constituted by the Provincial Government under the Industrial Disputes Act, 1947, adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator at the commencement of this Act; It is hereby enacted as follows:—

XIV of 1947.

1. (*1*) This Act may be called the Bombay Adjudication Proceedings (Transfer and Continuance) Act, 1947. Short title and extent.

(*2*) It extends to the whole of the Province of Bombay.

2. The Provincial Government may, by order notified in the *Official Gazette*, direct that any proceedings in any trade dispute referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator at the commencement of this Act shall, from the stage reached before the Adjudicator, be transferred to, and continued before, a Tribunal constituted by the Provincial Government under the Industrial Disputes Act, 1947 (hereinafter referred to as the said Act), and thereupon such dispute shall be deemed to be an industrial dispute within the meaning of the said Act and all the provisions of the said Act shall apply in relation to such dispute as if it were referred to the Tribunal for adjudication under the said Act. Provincial Government's power to make order for transfer and continuance of adjudication proceedings before Tribunal.

XIV of 1947.

3. For the avoidance of doubt it is hereby declared that any employer, workman or person, who commits an offence under section 26, 27, 28, 29, 30 or 31 of the said Act in relation to such dispute the proceedings in which have been transferred to, and continued before, a Tribunal under section 2, shall be liable to the punishment provided in any of the said sections. Penalty.

4. Nothing in this Act shall affect— Savings.

(*a*) any penalty, forfeiture or punishment incurred in respect of any contravention of the provisions of rule 81A of the Defence of India Rules or of any order made thereunder in rleation to a trade dispute the proceedings in which have been transferred to, and continued before, a Tribunal under section 2; or

(*b*) any investigation, legal proceeding or remedy in respect of any penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been made.

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[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1947, Part V, page 339.

Repeal of Bombay Ordinance IV of 1947.

5. The Bombay Adjudication Proceedings (Transfer and Continuance) Ordinance, 1947, is hereby repealed; and it is hereby declared that the provisions of section 7 of the Bombay General Clauses Act, 1904, shall apply to the repeal as if that Ordinance were an enactment.

Bom. Ordinance No. IV of 1947.

Bom. I of 1904.